

**DRAFT**  
**Board Meeting Minutes**  
**June 26 & 27, 2003**

**Board for Professional Engineers and Land Surveyors**  
**2535 Capitol Oaks Drive**  
**Third Floor Conference Room**  
**Sacramento, California, 95833**  
**(916) 263-2222**

**Thursday, June 26, 2003**

**Board Members Present:** Millicent Safran (President), Gregg Brandow (Vice-President), Arthur Duffy, James Foley, David Fruchtman, Andrew Hopwood, Elizabeth Warren, Dale Wilson, and Edward Yu.

**Board Members Absent:** William Roschen and Michael Welch.

**Board Staff Present:** Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Cindy Fernandez (Executive Analyst), Debbie Thompson (Budget Analyst), Eileen Crawford (Staff Civil Engineer), Joanne Arnold (Enforcement & Legislative Programs Manager), Patricia Canterbury (Assistant Executive Officer), and Janeece Sargis (Examination Analyst).

**Public Present:** See Attached

**1. Roll Call to Establish a Quorum**

The meeting was called to order at 9:10 a.m. Roll call was taken, and a quorum was established. Dr. Brandow arrived at 9:18 a.m., and Mr. Hopwood arrived at 9:40 a.m.

**2. Public Comment**

Bob DeWitt, representing CELSOC, asked to be allowed to address the Board during the discussion regarding the Title Act Study Report.

Mr. Greenlaw addressed the Board regarding Terry Morris and comments made by past Board Member Stephen Lazarian at the April 2003 Board meeting. He

also stated that he continues to be frustrated because he perceives that the Board members rely on staff instead of reading the material provided to them.

Ms. Christenson and Mr. Foley took exception to some of Mr. Greenlaw's comments and explained why they took exception.

**3. Closed Session**

The Board went into closed session at 9:25 a.m.

**4. Open Session to Announce the Results of Closed Session**

Ms. Christenson reported that the Board approved the revised appeal scores for the October 2002 Structural Engineering Examination.

Ms. Christenson reported that the Board approved the following cutscores for the April 2003 examinations:

- EIT 70 out of 100
- LSIT 70 out of 100
- Chemical 70 out of 100
- Electrical 70 out of 100
- Mechanical 70 out of 100
- National Land Surveyor 70 out of 100
- Civil 8-hour 70 out of 100
- Seismic Principles 155 out of 300 possible points
- Engineering Surveying 162 out of 294 possible points

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, et al. (San Francisco Superior Court Case No. 402996) and Ladislav Peter Petrovsky v. Board for Professional Engineers and Land Surveyors (Los Angeles Superior Court, Case No. BS080673).

Ms. Christenson reported that the Board adopted the proposed decision regarding Michael William Foster with corrections and reduced the penalty.

Ms. Christenson reported that the Board adopted the proposed decision regarding Steven L. Fallon with corrections.

**5. Approval of Consent Items (Possible Action)**

**a. Approval of the Minutes of the April 24 & 25, 2003, Board Meeting.**

Ms. Ruff requested that the April 24 & 25, 2003, Board Meeting minutes be corrected to reflect that she was present at the meeting on both days. Mr. Duffy requested that the corrections be made to the minutes to more fully describe the corrections made to the January 23, 2003, Board meeting minutes.

**MOTION:** Mr. Wilson/Mr. Hopwood moved to approve the corrected minutes of the April 24 & 25, 2003, Board Meeting.

**VOTE:** 9-0, motion carried.

**b. Approval of Candidates for Certification/Licensure. (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

**MOTION:** Mr.Duffy/Mr. Hopwood moved to approve candidates for licensure and certification based on examination results, including successful appeal results and take home examination results, approved in closed session.

**VOTE:** 9-0, motion carried.

**6. Approval of Delinquent Reinstatements.**

**MOTION:** Mr. Hopwood/Mr. Fruchtmann moved to approve the Delinquent Reinstatements as follows:

**Civil**

**1. Richard Britzman**

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

**2. Howard Burton**

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Rules Examination.

**Electrical**

**1. Steven C. Hill**

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

**Industrial**

**1. John W. Mathis**

Reinstate applicant's industrial license once he/she takes and passes the Board's Laws and Rules Examination.

**Mechanical**

**1. Stanley P. Castle**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Rules Examination.

2. **Amir Kazeminia**  
Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Rules Examination.
3. **Scott H. Lawson**  
Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Rules Examination.
4. **Steven E. Meyer**  
Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.
5. **Anthony W. Serkins**  
Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Rules Examination and pays all required delinquent renewal fees.

**VOTE:** 9-0, motion carried.

**7. Comity and Temporary Authorization Applications (Possible Action)**

**MOTION:** Mr. Hopwood/Mr. Duffy moved to approve the Amended Handout Comity List.

**VOTE:** 9-0, motion carried.

**8. Title Act Study Report (Possible Action)**

Richard Markuson, representing CELSOC, expressed his concerns regarding the composition of the Task Force.

Ms. Christenson reported that the Board had recommended several names/contacts as possible members of the Task Force to review and make recommendations to the Board regarding the Title Act Study Report. However, due to the large number of professional societies that could be involved, it is recommended that the Board consider appointing a smaller task force consisting of two current Board members, a past Board member, a representative from DCA, representatives from the Senate Business and Professions Committee and Assembly Business and Professions Committee, and a representative from a consumer protection group.

Ms. Christenson also reported that Bill Gage, Senate Business and Professions Committee staff, had recommended that all societies be provided the opportunity to come to the Task Force meeting to give comments and recommendations.

Ms. Christenson reported that August 21, 2003, is the tentative date for the Task Force meeting.

**9. Elimination of the NCEES Manufacturing Engineering Examination in 2004 (Possible Action)**

Ms. Christenson reported that NCEES advised staff that due to the small number of individuals who take the Manufacturing Engineering examination nationwide, they no longer will be offering that examination after October 2003. Business and Professions Code section 6754 requires that the Board offer that examination once each year. The Board does not have the staff or money to provide that examination on its own. Therefore, a legislative change will be requested. Ms. Christenson reported that staff, after consulting with President Safran and Vice-President Brandow, spoke with the staff of the Senate Business and Professions Committee and they agreed to include the language in SB 364.

**MOTION:** Mr. Foley/Mr. Hopwood moved to support SB 364.

**VOTE:** 9-0, motion carried.

**13. Revision to the Special Civil Seismic Exam Test Plan to Reflect the Use of the 2001 California Building Code (Possible Action)**

Ms. Christenson reported on this item and went over the corrections on the hand-out.

**MOTION:** Mr. Hopwood/Mr. Duffy moved to approve the revised test plan for the Special Civil Seismic Principles Examination to reference the 2001 California Building Code Volume 2 for the examinations beginning in October 2003.

**VOTE:** 9-0, motion carried.

**14. Appointment of Emeritus Board Members (Possible Action)**

President Safran made the following recommendations for Emeritus Board Members: Ted Fairfield, George Shambeck, and Stephen Lazarian.

**MOTION:** Mr. Hopwood/Mr. Foley moved to appoint Ted Fairfield, George Shambeck, and Stephen Lazarian as Emeritus Board Members.

**VOTE:** 9-0, motion carried.

**15. Administrative**

**a. Fund Condition (Possible Action)**

Ms. Thompson reported on the changes to the fund condition since the April 2003 Board meeting. Changes include a renewal revenue projected decrease of \$136,455 and an application fee revenue decrease of \$20,258. The added revenue increase for the Board's renewal and application fee increases has also been included in the fund condition

since approval for the regulations was received June 9, 2003. Even with the fee increase revenue added, the Board's fund reserve is projected to stay below a three-month level up to FY 2007-2008.

**b. FY 2002/03 & 2003/04 Budget (Possible Action)**

The Board's expenditure projection for FY 2002-03 using the April 30, 2003 expense report was \$7,109,988 with a projected balance of \$180,685 in savings for year-end. The Board's expenses this FY is \$357,734 less than spent last FY. At the same time, the budget this FY is \$204,877 less than the budget last FY. This means that the Board projects to spend \$152,857 less than the total amount of budget reductions experienced this FY. Ms. Thompson pointed out that the May 31, 2003 expense report was recently received showing the expense for proctors to be substantially more than projected. The proctors expense projection was \$260,000 but the expenditure through May 31 is \$303,000. This is a \$70,000 above last FYs expense. Ms. Thompson has requested DCA to review this large increase to determine if it is accurate.

Mr. Wilson asked if the Board had yet contracted out for the exam administration services. Ms. Thompson responded that the Board must first go through the required Request for Proposal process to select a contractor which will take approximately 10 months to a year's time. The FY 2003-04 budget for proctors was also adjusted upward for the increase to \$315,000 that includes a margin for further increases. Other added costs for this FY that will substantially decrease the Board's year-end balance include an approximate \$80,000 expense for the Board's bulletin printing and mailing costs.

President Safran questioned why the budget includes an Out of State Travel (OST) budget amount when there was no approval for this travel. Ms. Thompson reported that every year, the budget includes an out-of-state travel budget which is adjusted up or down upon approval from the Governor's Office usually not until half-way through the FY. For FY 2002-03, the Board did receive approval for the OST funds which are still included in the Board's budget. However, approval to spend the money was later rescinded due to the statewide budget problem. For FY 2003-04, the Board has requested OST funds for the August 2003 NCEES Annual Meeting and the NCEES Western Zone Meeting. With regards to FY 2003-04, Ms. Christenson pointed out that because the approval for the OST is not received until late in the FY, Board members who wish to attend must be aware that they may not receive any reimbursement for the trip if it is not approved.

Ms. Thompson distributed copies of the FY 2003-04 proposed budget for the Board that includes the proposed 10% personal services cut of \$212,000. Other assumptions included in this budget are a \$13,000

proctor increase; printing only for exam administration; the land surveyor contract will not increase upon renewal; a 5% increase in NCEES fees for an examinee population increase; \$5,000 for computer equipment replacement. Dr. Brandow questioned if the Subject Matter Experts budget was the same as last FY. Ms. Thompson responded that increases have occurred for SME for several FYs, but an increase was not included for FY 2003-04 because the number of SMEs needed for the Structural exam are expected to reduce in FY 2003-04.

**c. Land Surveyor Consultant Contract (Possible Action)**

The Request for Qualifications (RFQ) was submitted to the Department of Consumer Affairs for review on April 23, 2003. Ms. Thompson noted that the time chart included in the long agenda has an error for the deadline date for RFQ responses. The corrected response period is July 2 to August 18, 2003. DCA's review of the RFQ package has taken a little longer than expected, and the RFQ may go out a week or two later for this reason. Ms. Thompson reported that the timeframes were explained further to DCA with regard the requirement of Board member involvement and Board approval. Ms. Thompson will notify Mr. Yu and Mr. Welch if the bid review time period will change. DGS did review the RFQ and brought up questions that had already been addressed during the last three RFQ processes to renew this contract. Ms. Thompson will provide them with all the necessary historical information so that no delays occur.

**d. FY 2004/05 Budget Change Proposals (Possible Action)**

**1. NCEES Examinations Grading Fee Increases**

The Board submitted this BCP to DCA on May 28, 2003. The amount was adjusted upward to \$207,000 to add in projected cost increases for the NCEES examinee population for FY 2003-04 and FY 2004-05. The previous amount requested of \$170,000 was based on the average NCEES examinee population for the last three FYs with no built in inflation for future FYs. The Department of Finance's recommendations on the BCPs usually come out in November at which time the Board will know if it can get approval for this BCP.

Mr. Wilson asked if there was any way that the Board could directly tie its budget each FY to the number of examinees. Ms. Thompson responded that some other DCA board's regulations require the required exam test fees for their national exams they administer be paid by exam applicants directly to the national organization at whatever fees the national organization requires at the time. This process frees up the boards from the responsibility of collecting the fees and ensuring their budgets can accommodate the exam population cost ups and downs. Ms. Christenson pointed out that if the Board were to change to this type of process,

legislation would be required. Ms. Christenson requested Ms. Thompson to look into the possibility of legislation to require the Board's exam applicants pay the national exam fees directly to NCEES.

For informational purposes, Ms. Thompson distributed copies of the Board's FY 2001-02 actual exam costs per examinee for each exam the Board administers. This chart shows the Board's cost per examinee to be \$278 closely matching the Board's newly approved exam application fee amount of \$275. This chart will be updated each year.

**16. Legislative**

**a. Discussion of Legislation for 2003, including but not limited to, AB 1265, SB 31, SB 360, and SB 1078 (Possible Action)**

Ms. Arnold reported on the status of Legislation that the Board is currently following.

**MOTION:** Mr. Hopwood/Mr. Yu moved to support SB 360, which among other things, would increase the maximum administrative fine amount from \$2,500 to \$5,000.

**VOTE:** 9-0, motion carried.

**b. Status of Regulations**

Ms. Arnold gave an update on 404.1 & 404.2 (Responsible Charge Definitions) Notice to be sent out in July 2003 and Hearing at the September 2003 Board meeting.

**17. Technical Advisory Committee Reports**

**(No Committee Meetings were held.)**

**a. Board Assignments to TACs (Possible Action)**

Ms. Christenson advised the Board that several TACs currently have vacancies and the staff liaisons to the TACs will be working with the Board member liaisons about possible appointments of new TAC members at the next Board meeting.

**b. Appointment of TAC Members (Possible Action)**

**MOTION:** Mr. Wilson/Mr. Hopwood moved to reappoint William Ishii, P.E., and David Johnson, P.E., to serve as members to the EE TAC for a second, two-year term.

**VOTE:** 9-0, motion carried.



**MOTION:** Mr. Fruchtman/Mr. Duffy moved to reappoint Thomas Crawford, P.E., and Uday Shah, P.E., to serve as members to the ME TAC for a third, two-year term.

**VOTE:** 9-0, motion carried.

**18. Liaison Reports (Possible Action)**

**a. ABET**

No report given.

**b. NCEES**

Mr. Foley reported that Exam Security issues were addressed at the Western Zone meeting in May 2003.

Ms. Christenson reported that there was not sufficient time allotted during the land surveying portion of the Western Zone meeting for a full discussion of the Board's concerns regarding the Land Surveyor Model Law. She will be sending the Board's letter regarding its concerns to all of the NCEES Member Boards prior to Annual Meeting in August, and she, Dr. Brandow, and Mr. Hopwood will be addressing this issue at the Annual Meeting.

**c. Technical and Professional Societies**

No report given.

**19. President's Report**

President Safran thanked everyone for all their help during her term as President.

**20. Executive Officer's Report**

**1. Administration Report**

**a. Executive summary report**

Ms. Christenson reviewed the information contained in the agenda.

Ms. Christenson summarized the contents of the newly-updated Board Member Manuals. Mr. Duffy asked that the acronym list be updated to include some of the other professional organizations in California, such as the Professional Engineers in California Government (PECG). Dr. Brandow requested that expiration dates of all of the Board members be verified and that the historical information regarding all of the previous members of the Board and their terms be included in the manual.

**b. State budget**

Ms. Christenson advised that she had no further information beyond what was provided by Ms. Thompson under the Administrative report.

- c. **Implementation of Fee Increase**  
No report given.
- 2. **Personnel**
  - a. **Hiring freeze**  
Ms. Christenson reported that the hiring freeze is still in effect and updated the Board on layoff procedures of employees. She explained that, at this time, she does not anticipate having to place any staff on layoff/surplus status.
  - b. **Vacancies**  
No report given.
- 3. **Enforcement/Examination/Licensing**
  - a. **College Outreach**  
No report given.
  - b. **Report on Enforcement Activities**  
No report given.
  - c. **Report on Examination Activities**  
No report given.
- 4. **Publications/Website**
  - a. **Website activity**  
No report given.
- 5. **Other**
  - a. **DCA update**  
No report given.
- 21. **Approval of Board Travel (Possible Action)**  
No action taken.
- 22. **Other Items Not Requiring Board Action**  
Dr. Brandow requested that an item be included on the next agenda to discuss the status of all of the Board's publications.  
  
Ms. Christenson reported that the Law Publication and the Bulletin/Newsletter will be sent out in the near future.
- a. **Next Board meeting: August 8, 2003, Sacramento, CA**  
Mr. Hopwood and Mr. Fruchtmann advised the Board that they will not be able to attend the August 8, 2003, Board meeting.

**Friday, June 27, 2003**

**Board Members Present:** Gregg Brandow (Vice-President), Arthur Duffy, James Foley, David Fruchtman, Andrew Hopwood, Elizabeth Warren, Dale Wilson, and Edward Yu.

**Board Members Absent:** William Roschen, Millicent Safran (President), and Michael Welch.

**Board Staff Present:** Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Liaison Deputy Attorney General), Nancy Eissler (Attorney General Liaison Analyst), Cindy Fernandez (Executive Analyst), Debbie Thompson (Budget Analyst), Eileen Crawford (Staff Civil Engineer), Joanne Arnold (Enforcement & Legislative Programs Manager), Patricia Canterbury (Assistant Executive Officer), and Janeece Sargis (Examination Analyst).

**Public Present:** See Attached

**1. Roll Call to Establish a Quorum**

The meeting was called to order at 9:05 a.m. Roll call was taken, and a quorum was established.

**2. Public Comment**

No public comment.

**7. Comity and Temporary Authorization Applications (Possible Action)**

**MOTION:** Mr. Foley/Mr. Hopwood moved to approve a 180 day Temporary Authorization to practice civil engineering to Darrin O. Eckman.

**VOTE:** 8-0, motion carried.

**MOTION:** Mr. Foley/Mr. Hopwood moved to approve a 180 day Temporary Authorization to practice civil engineering to Michael William Whitney.

**VOTE:** 8-0, motion carried.

**10. Hearing on the Petition for Reinstatement of Revoke License of Dinh Nguyen [OAH No. 2003050434] – This hearing will be held on Friday, June 27, 2003, beginning at 9:00 a.m., or as soon thereafter as the matter may be heard.**

11. **Hearing on the Petition for Reduction of Penalty of Alfred Colarusso [OAH No. 2003050435] – NOTE:** The hearings on the Petitions will be held on Friday, June 27, 2003, beginning at 9:00 a.m., or as soon thereafter as the matters may be heard. It is anticipated that the hearing on the Petition of Dinh Nguyen will be held first, immediately followed by the hearing on the Petition of Alfred Colarusso.
12. **Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)] – This Closed Session will be held immediately following the hearings on the Petitions.**

The Board heard the Petition for Reinstatement of Revoked License of Dinh Nguyen and the Petition for Reduction of Penalty of Alfred F. Colarusso, Jr. The Board then met in Closed Session and directed the Administrative Law Judge to prepare written decisions.

23. **Adjourn**  
The Board adjourned at 1:50 p.m.

## **PUBLIC PRESENT**

Tom Stout, CSPE  
Richard Markuson, CELSOC  
Charles O. Greenlaw, S.E.  
Bob DeWitt, CELSOC  
Steve Hao, CalTrans  
Jim Field, SFPE  
Art Sutton, IEEE  
Dave Shelton, SFPE  
Wendell Johnson  
Darrin Eckman